

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KELLI S. TROKIE

Debtors

U.S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE OF THE IGSC
SERIES II TRUST

Movant

vs.

KELLI S. TROKIE
CHARLES J. DEHART, III, TRUSTEE

Respondents

Bankruptcy No. 15-05003-RNO

Chapter 13

Hearing Date: 11/16/17

Response Date: 10:00 a.m.

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

U.S. Bank Trust National Association, as Trustee of the IGSC Series II Trust, Movant/Creditor, by and through its attorney, Tucker Arensberg, P.C., moves this Court for an Order granting relief from stay provided by 11 U.S.C. §362 stating as follows:

1. Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on November 23, 2015.
2. This Court has jurisdiction of the matter pursuant to 11 U.S.C. §362 and 28 U.S.C. §157(b)(2).
3. On or about April 16, 2007, the Debtor borrowed \$162,900.00 from Movant pursuant to the terms of a Note ("Note"). A true and correct copy of the Note is attached as Exhibit "A".
4. As security for repayment of said obligation, Debtor executed a Mortgage in favor of Movant with respect to certain real property owned by the Debtor and located at 5906 Shope Place, Harrisburg, PA 17109 ("Property") and recorded in the Office of the Recorder of Deeds of Dauphin County. A true and correct copy of the Mortgage is attached as Exhibit "B".
5. The fair market value of the Property is \$172,500.00, per the Debtor's schedules.

6. Debtor is currently in default of the Note and Mortgage for failure to make payments when due. The Debtor is currently due and owing for the December 1, 2016 through and including September 1, 2017 post-petition payments in the total amount of \$12,188.48.

7. The payoff amount as of September 7, 2017 is \$165,475.55.

8. Movant believes and therefore avers that there is good cause to grant relief from the automatic stay, including lack of adequate protection for Movant's secured claim in the indebtedness based on the following:

A. upon information and belief, the Debtors remain in possession of the Property.

B. the Property has no value to the Estate or, at best, only inconsequential value to the Estate;

WHEREFORE, U.S. Bank National Association, as Trustee of the IGSC Series II Trust, prays the Court to enter an Order terminating the Stay granted by 11 U.S.C. §362 as it affects the interest of U.S. Bank National Association, as Trustee of the IGSC Series II Trust in the Real Property, or grant such other relief as the Court may order.

Respectfully submitted,

TUCKER ARENSBERG P.C.

Dated: 10/2/17

/s/Brett Solomon

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